

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James L. Chappuis

Serial No.: 10/725,683

Filed: December 2, 2003

Confirmation No.: 3417

Group Art Unit: 3733

Examiner: Ramana, Anuradha

Docket No. 50313-1130

For: **FLEXIBLE TAP APPARATUS AND METHOD OF USE**☐ Patent No.:

Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment also insert application serial number and filing date.*

**Mail Stop 16****Director of the US Patent and****Trademarks Office****P.O. Box 1450****Alexandria, VA 22313-1450**

**ATTENTION: Refund Section, Accounting Division, Office of Finance**  
**REQUEST FOR REFUND**  
**(37 C.F.R. 1.28(a))**

*NOTE: 37 C.F.R. § 1028(a) "(a) Refunds based on later establishment of small entity status. A refund pursuant to §1.26, based on establishment on small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under §1.136. Status as small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."*

*NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. §1.704(c)(1). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.*

---

**I. SUBMISSION OF SMALL ENTITY ASSERTION**☐

Attached is an assertion of small entity status in this application.

☐

An assertion of small entity status was filed in this application on .

**II. REFUND REQUEST**

This request for refund is made within three months of the date a fee was paid in this application on (date) September 4, 2008 in the amount of \$ 770.00.

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 since it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.

### III. FEES PAID FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

- |                          |   |          |
|--------------------------|---|----------|
| <input type="checkbox"/> | filing fee  | \$ _____ |
| <input type="checkbox"/> | surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e)) and/or | \$ _____ |
| <input type="checkbox"/> | surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))     | \$ _____ |
| <input type="checkbox"/> | extension of term   | \$ _____ |
| <input type="checkbox"/> | issue fee   | \$ _____ |
| <input type="checkbox"/> | patent maintenance fee  | \$ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> first maintenance fee  | \$ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> second maintenance fee   | \$ _____ |
| <input type="checkbox"/> | <input type="checkbox"/> third maintenance fee  | \$ _____ |
| <input type="checkbox"/> | patent maintenance fee surcharge.   | \$ _____ |

NOTE: The refund provisions of § 1.28(a) for later submitted small entity statements apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37

- ☒ other: Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) \$ 770.00

**TOTAL REFUND REQUESTED**

**\$ 770.00**

### IV. MANNER OF REFUND

Please make refund by:

- ☒ Deposit Account No. **20-0778**.  
☐ Credit card as shown on the attached credit card information authorization form PTO-2038.  
☐ Refunding overpayment

  
 M. Paul Qualey, Jr.

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
 600 Galleria Parkway, Suite 1500  
 Atlanta, Georgia 30339-5948  
 770-933-9500